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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,413	02/20/2001	Hiroshi Tanaka	FJ-2000-043-US	1891
21254 7590 03/09/2007 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER MISLEH, JUSTIN P	
			ART UNIT	PAPER NUMBER
			2622	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/785,413	Applicant(s) TANAKA ET AL.	
	Examiner Justin P. Misleh	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51 - 88 and 99 - 109 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51 - 86, 99, 100, and 107 - 109 is/are rejected.
- 7) ☒ Claim(s) 87, 88, and 101 - 106 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the 35 U.S.C. § 112 rejection have been considered but are moot in view of the new 35 U.S.C. § 112 rejection. Applicant's amendments to the claims raise new issues under 35 U.S.C. § 112.
2. Albeit, Applicant's arguments with respect to the prior art rejection have been fully considered and are persuasive. The rejection of Claims 51 – 88 as being unpatentable over Tomat in view of Kaibara has been withdrawn.
3. Finally, the Examiner notes the Information Disclosure Statement filed April 17, 2001 appears to have been considered prior to the Office Action mailed November 29, 2004.

Claim Objections

4. **Claims 87, 106, and 107** are objected to because of the following informalities: lack of clarity and precision.

For **Claims 87, 106, and 107**, the claim language recites therein, “the image information receiver”; however, the claim language previously recites, “an information receiver”. The difference in terms presents a lack of clarity and precision. The language “an information receiver” should be changed to recite “an image information receiver”. For the purposes of examination, the Examiner will interpret the language as “image information receiver”.

Appropriate correction is required. Applicant is expected to thoroughly review and correct the claim language, as appropriate, to eliminate similar inconsistencies.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. **Claims 51 – 86, 99, 100, and 107 – 109** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

7. For **Claims 51 (exemplary), 61, 81, and 107**, the claim language recites, therein, “wherein the communicating device is capable of transmitting and receiving the information of directories to and from the image pick-up device; a display for displaying the information of the directories which is at least one of transmitted to and received from the image pick-up device”.

At best, the specification (page 4, line 16 – page 5, line 4) and the drawings (figure 14) discloses “an image obtaining method in which an image information receiver selects a name of a desired file on the basis of the information of a directory presented from an image pick-up device and receives an image file of the selected file name”.

Nowhere in the specification, the drawings, or original claim language is it disclosed, taught, or suggested that the information of directories are transmitted to the image pick-up device (electronic device) from the either the communicating device, the image information receiver, or other device.

Allowable Subject Matter

8. **Claims 51 – 86, 99, 100, and 107 – 109** would be allowable if Claims 51 and 107 was amended to overcome the 35 U.S.C. §112 rejection stated above.
9. **Claims 87, 88, and 101 – 107** would be allowable if independent Claims 87, 106, and 107 were amended to overcome the claim objection stated above.
10. The following is a statement of reasons for the indication of allowable subject matter:

Examiner's Claim Language Interpretation

In accordance with the specification and drawings of the present application, terms in the claim language will be interpreted as follows:

- **function file(s)/function file:** “names of virtual files to be picked-up” (see specification page 24, line 9); “*Shoot.jpg* is a basic function file name for picking up or shooting an image ... [when] this virtual file name is selected by the user” (see specification page 24, lines 23 and 24); “*Shoot.jpg* designates a virtual file name of an image which is not picked up or shot” (see specification page 31, lines 2 and 3); “*LastShot.jpg* is also a basic function file name ... [when] this file name is selected by the user, the electronic camera 10 transmits the image data picked up at the last time” (see specification page 25, lines 13 and 14).

- **image pick-up device/electronic device:** “the image pick-up device according to the present invention is described as the electronic camera with the image pick-up device, it is to be understood that the present invention is not limited to the electronic camera and a scanner provided with the image pick-up device may be employed” (see specification page 36, lines 18 – 23). In other words, the scope of the image pick-up device and/or electronic device of the claims

cannot be expanded to include devices that do not capture electric representations of optical images.

Closest Prior Art

○ **Tomat et al. (see Office Action; September 7, 2006)** disclose, as stated in column 16 (line 62) – column 17 (line 5), “double clicking on a displayed thumbnail image file launches an OLE image container application and opens an associated full-resolution image file within the application ... alternatively, double clicking of a displayed thumbnail image file launches a JPEG default application specified by the system registry and opens an associated full-resolution file therein.” However, Tomat et al. do not specifically disclose wherein “file names of functions indicating at least a function for picking up an image are registered” in the directories and are also to be transmitted or picking-up “an image allocated to at least one function file name of the function file names when the image information receiver requests to transmit a file corresponding to the at least one function file name of the function file names,” or “selects and designates the one function file name of the function file name corresponding to a desired function.”

○ **Kairbara et al. (see Office Action; September 7, 2006)** disclose, an image pick-up information transmitting system including an electronic camera and image information receive, selecting a Transfer.img file that merely executes the Transfer program, in which an initial window for Transfer processing (e.g., UI window 701 shown in Figure 7; or UI window 801 shown in Figure 8). Kaibara discloses that, if a log file is present, a [Check Log] button is displayed, as shown in the UI window 801 of Figure 8. When no log file to be confirmed is present because neither transmission nor printing has been performed, or log files have been

Art Unit: 2622

deleted, the [Check Log] button is not displayed, as shown in the UI window 701 of Figure 7. A title representing the current layer is displayed at the upper portion of the window. Kaibara further discloses how the execution of the transmission of the image is performed (e.g., see Kaibara at column 12, lines 9 – 18) and how a log file is generated after transmission (e.g., see Kaibara at column 12, lines 19 – 31). The selecting of the Transfer.img file does not select the desired image or cause the image pick-up device to pick up an image, and even further, an image is not even allocated to the Transfer.img file.

- **Camara et al. (see Office Action; March 14, 2006)** disclose, at best, an image acquisition system having a computer and one or more imaging devices coupled thereto. Each imaging device has a device memory and is capable of capturing and storing a digital image in its memory. An image device manager is implemented in software on the computer to control imaging device operation. The image device manager presents a user interface (UI) within the familiar graphical windowing environment. The UI has a context space to a particular imaging context (e.g., scanning, photography, and video). The UI also has a persistently-visible imaging menu positioned within the context space that lists options particular to the imaging context. The image acquisition system also includes a set of application program interfaces (APIs) that enable applications to manage loading and unloading of imaging devices, monitor device events, query device information properties, create device objects, capture images using the devices, and store or manipulate the captured images.

11. In view of the Examiner's claim interpretation and Examiner's prior art interpretation, the closest prior art, alone or in combination, do not teach or fairly suggest the features of independent Claims 51, 87, 106, and 107, respectively.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Vivek Srivastava can be reached on 571.272.7304. The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2622

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM

March 5, 2007

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', written over a horizontal line.

VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600